

By: Menendez

H.B. No. 3068

A BILL TO BE ENTITLED

AN ACT

relating to debit card surcharge.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 59, Subtitle A, Title 3, Finance Code, is amended by adding SUBCHAPTER E. PROHIBITION OF SURCHARGE to read as follows:

Sec. 59.401. DEFINITIONS. In this section:

(1) "Cardholder" means the person named on the face of a debit or stored value card to whom or for whose benefit the card is issued.

(2) "Debit card" has the meaning in Section 502.001 Business & Commerce Code.

(3) "Merchant" means a person in the business of selling or leasing goods or services.

(4) "Stored Value Card" has the meaning as defined in Section 604.001(1) of the Business and Commerce Code, but does not include the meaning as defined in Section 604.001(2) of the Business and Commerce Code.

Sec. 59.002. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR STORED VALUE CARD. (a) In a sale of goods or services, a merchant may not impose a surcharge on a buyer who uses a debit or stored value card instead of cash, a check, credit card or a similar means of payment.

(b) This section does not apply to a state agency, county,

1 local governmental entity, or other governmental entity that  
2 accepts a debit or stored value card for the payment of fees, taxes,  
3 or other charges.

4 SECTION 2. This Act takes effect September 1, 2013.